

**Assembly Bill No. 643**

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Passed the Assembly    May 8, 2003

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*Chief Clerk of the Assembly*

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Passed the Senate    September 2, 2003

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*Secretary of the Senate*

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This bill was received by the Governor this \_\_\_\_\_ day of  
\_\_\_\_\_, 2003, at \_\_\_\_\_ o'clock \_\_M.

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*Private Secretary of the Governor*

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## CHAPTER \_\_\_\_\_

An act to amend Sections 140 and 141 of the Labor Code, relating to occupational safety and health standards.

## LEGISLATIVE COUNSEL'S DIGEST

AB 643, Mullin. Occupational Safety and Health Standards Board.

Existing law provides for the establishment of the Occupational Safety and Health Standards Board within the Department of Industrial Relations, to be comprised of 7 members, 2 from the field of management, 2 from the field of labor, 2 from the field of occupational safety, and one from the general public. It provides for a 4-year term for each board member and requires members to hold office until the appointment and qualification of a successor.

This bill, in addition, would require that the 2 labor representatives on the board be from the field of organized labor. This bill also permits a member to continue to hold office after expiration of a term until a successor is appointed and qualified or for a period of up to 60 days, whichever occurs first. This bill requires the Governor to fill all board vacancies, but grants appointing power to the Senate Committee on Rules and Speaker of the Assembly if the Governor fails to appoint a successor within 60 days. This bill would require actions to contest the validity of appointments made pursuant to the bill to be brought by the Attorney General pursuant to specified existing law.

This bill also makes technical, nonsubstantive changes to existing law.

*The people of the State of California do enact as follows:*

SECTION 1. Section 140 of the Labor Code is amended to read:

140. (a) There is in the Department of Industrial Relations the Occupational Safety and Health Standards Board which consists of seven members appointed by the Governor. Two members shall be from the field of management, two members shall be from the field of labor, one member shall be from the field of occupational health, one member shall be from the field of



occupational safety, and one member shall be from the general public. Members representing occupational safety and health fields and the public member shall be selected from other than the fields of management or labor.

(b) The Governor shall designate the chair of the board from the membership of the board. The person so designated shall hold the office of chair at the pleasure of the Governor. The chair shall designate a member of the board to act as chair in his or her absence.

(c) As used in this chapter, “board” means the Occupational Safety and Health Standards Board.

(d) All references in this or any other code to the Industrial Safety Board shall be deemed to mean the Occupational Safety and Health Standards Board.

(e) An action to contest the validity of an appointment made under the authority of this section shall be brought pursuant to Chapter 5 (commencing with Section 802) of Title 10 of Part 2 of the Code of Civil Procedure.

SEC. 2. Section 141 of the Labor Code is amended to read:

141. (a) The terms of offices of the members of the board shall be four years. A member may continue to hold office until the appointment and qualification of a successor or for a period of up to 60 days after the member’s term of office expires, whichever occurs first. The terms of the members of the board first appointed expire as follows: three members, one representative from management, one representative from organized labor, and one representative from occupational health, on June 1, 1974; three members, one representative from management, one representative from organized labor, and one representative from occupational safety, on June 1, 1975; and one member on June 1, 1976. The terms thereafter expire in the same relative order. The Governor shall fill vacancies by appointment to the unexpired term. If the Governor fails to fill a vacancy within 60 days, the authority to appoint a successor moves to the Senate Committee on Rules and the Speaker of the Assembly. If there is one vacancy or an odd number of vacancies, the Senate Committee on Rules and the Speaker of the Assembly shall jointly fill the vacancy or vacancies. If there is an even number of vacancies, the Senate Committee on Rules and the Speaker of the Assembly shall each fill one-half of the vacancies.



(b) Each member of the board is entitled to receive one hundred dollars (\$100) for each day of his or her actual attendance at meetings of the board, and other official business of the board, and actual and necessary traveling expenses incurred in the performance of his or her duty as a member.



Approved \_\_\_\_\_, 2003

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*Governor*

